

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

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 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
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 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

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the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
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The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
 4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
 4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.

Section 42. Supplementary District Regulations

A. TEMPORARY USES:

1. The following uses, which are classified as temporary uses, may be permitted by the City Council in any district not to exceed a period of thirty (30) days except for (g) which shall be issued for a period of one year or less, subject to compliance with all other applicable City Ordinances:
 - (a) Carnivals
 - (b) Circus
 - (c) Fairgrounds
 - (d) Religious assemblies
 - (e) Sport events
 - (f) Political rallies
 - (g) Concrete mixing or batching plant used temporarily by contractors during the construction of buildings or public improvements, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such buildings or public improvement, providing such temporary use is renewed annually.
 - (h) Armed forces displays
 - (i) Educational displays
 - (j) Temporary sales of merchandise by nonprofit organizations
 - (k) Temporary shelter for the homeless occupied by more than three (3) persons unrelated by blood or marriage during periods of severe weather conditions as determined by the Grapevine Office of Emergency Management in all residential districts
2. A temporary use shall not be permitted nearer than two hundred fifty (250) feet to a residentially zoned district except for (g) which shall not be located closer than one thousand (1,000) feet to a developed residentially zoned district.
3. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except for concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel or property

shall automatically again be subject to the district regulation of the zoning district in which such parcel of property is located.

4. Permission may be granted for a period not to exceed seven (7) days by the city Manager as a special privilege to civic organizations and other nonprofit organizations to allow temporary uses (a), (b), (c), (d), (e), (h), (i), and (j) which shall not be located closer than sixty (60) feet to a residentially zoned district.
5. Permission may be granted for a period not to exceed forty (40) days by the Director of Community Development, to allow Christmas tree sales lots in all non-residential zoning districts.
6. A building, electrical and/or plumbing permit, where determined applicable by the Director of Community Development, for any temporary use approved under this Section 42 shall be obtained from the Building Inspection Department prior to commencement of such use. Section 60 and all other provisions of the Ordinance determined to be applicable by the Director of Community Development shall be complied with prior to the commencement of any approved temporary use.
7. Temporary concrete mixing or batching plants for use during the construction of buildings or public improvements for thirty (30) days or less may be approved by the Director of Community Development.
8. Temporary outside display and sales of merchandise, and food service may be permitted on one occasion in any quarter of a calendar year for a period not to exceed fourteen (14) consecutive days, subject to the following conditions:
 - (a) A plan must be submitted for approval by the Development Services Director designating the area for outside display, sales and/or food service.
 - (b) The merchandise to be displayed or sold must be clearly related or incidental to the current Certificate of Occupancy at the site. Itinerant vendors shall not be permitted.
 - (c) Items for outside display within the festival area are to be approved by the City of Grapevine Festival Committee.
 - (d) A minimum four (4) feet of clear sidewalk width shall be maintained at all times and at no time shall required egress from the building be obstructed.
 - (e) Use of required parking areas for temporary outside display and sales shall not negatively impact the ability to provide adequate parking on the subject site nor shall it create a burden on surrounding properties or encourage parking within the right-of-way. Approval for use of required parking areas shall be at the discretion of the Development Services Director.

- (f) An appropriate permit from the Health Department shall be required for any food sales.

B. SALE OF ALCOHOLIC BEVERAGES:

- 1. Notwithstanding any other provision of this Ordinance the storage, possession, sale, serving, or consumption of alcoholic beverages, except for the consumption of the occupants or owners of the premises and their guests at no charge, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them as follows:

- (a) ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
 - (b) RESTAURANT shall mean a restaurant or eating establishment whose gross sales in Grapevine from food on an annual basis at the location represent at least fifty (50) percent of total sales with a Conditional Use as set out in Section 48.
 - (c) DISTILLERY shall mean a location whereby alcoholic spirits are created or manufactured, to include but not be limited to the following processes: milling, mashing, fermentation, distillation, ageing, and blending.
 - (d) PACKAGE STORE shall mean a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.
- 2. The storage, possession, sale or serving of alcoholic beverages by any party for either on-premise or off-premise consumption, shall be illegal unless on property zoned specifically for that purpose as a Conditional Use in accordance with and pursuant to Section 48 of this Ordinance.

The applicant for a Conditional Use Permit for a package store shall include as part of the Conditional Use Permit Application the following:

A detailed floor plan of the proposed business showing, at a minimum, aisle layouts, locations of coolers and freezers, locations of any specialty areas such as humidors, location descriptions for all product sales such as beer, wine and hard liquor, locations of check-out registers and all building ingress and egress points. A proposed security plan must also be submitted and shall include the number of any proposed cameras, alarm system details, locations of burglar bars (if any) and any planned on-site security personnel. The security plan must include, at a minimum,

the following:

- (1) Surveillance camera system to record audio and video of the interior and exterior of the premises;
- (2) Video and audio recording and storage system with a minimum of thirty (30) day retention;
- (3) Commercially monitored alarm system with appropriate permit;
- (4) Drop safes anchored to the floor;
- (5) Security signs;
- (6) Height markers;
- (7) Safety training programs.

Also, details should be provided concerning any proposed features that adhere to any Crime Prevention Through Environmental Design (CPTED) site design tenets. CPTED is based upon the concept that the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life. The goal of CPTED is to reduce opportunities for crimes to occur that are often inherent in the design of buildings and the layout of neighborhoods and streets.

The detailed site plan must meet the following minimum requirements:

- (1) The front building façade shall be a minimum of eighty percent (80%) non-tinted, clear glass.
 - (2) No curtain, display, hanging sign, storage, or other obstruction that prevents a clear view of the interior of a package store.
 - (3) The exterior premises must be lit to the maximum allowed under the Zoning Ordinance.
 - (4) All requirements of Chapter 4 Alcoholic Beverages of the City of Grapevine Code of Ordinances shall also be met.
3. With the exception of wineries, wine tasting rooms, breweries, and distilleries no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48.
4. The party or entity operating a restaurant or private club that permits the sale of alcoholic beverages for on-premise consumption shall on an annual basis, no later than the thirtieth day of the month following each twelve (12) months of operation, file with the City Secretary an affidavit, on an officially approved form provided by the City Secretary, that reflects gross sales for the preceding twelve (12) months breaking down the sales of food, alcoholic beverages and other items. The party

shall also file on an annual basis; at the same time the affidavit is filed, a copy of the filing supplied to the State of Texas for sales tax and alcoholic beverage tax purposes.

5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.
6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase.
7. A Certificate of Occupancy shall be issued by the City's Building Inspection Department at such time as the party complies with all aspects of this Zoning Ordinance and all other applicable Ordinances. No Certificate of Occupancy may be assigned or transferred and same is valid only as to the recipient. No party may operate a restaurant or private club that is zoned pursuant to Section 42.B and 49 of this Ordinance without a valid and current Certificate of Occupancy.
8. (a) The City's Building Official, upon receipt of information from the City Secretary that the holder of a Certificate of Occupancy under Section 42.B of this Ordinance has failed to comply with one or more of the requirements, may cancel and terminate the party's Certificate of Occupancy by giving the party written notice that specifies the violation.

The notice requirement from the City shall be satisfied by placing said notice in the United States mail addressed to the last address provided in the City by the entity or party that holds a Certificate of Occupancy. The notice from the City shall state that the Certificate of Occupancy shall be canceled unless the party or entity corrects the violation within thirty (30) days of receipt of the notice except as hereinafter set out. However, a party or entity that submits an annual report pursuant to Section 42.B.4. that does not satisfy the fifty (50) percent requirement relating to food sales shall have the alternative of filing monthly reports for a period of six (6) months. The monthly reports shall contain the same information and be in the same form as the annual reports except that said monthly reports shall reflect an accumulation of total sales for the preceding twelve-month period reflected in the annual report added to the monthly sales.

- (b) The party or entity submitting the monthly reports shall be deemed to have satisfied the Section 42.B. requirements if the monthly reports on or before the final sixth month reports filing show total sales from food to be at least fifty (50) percent of total sales.
- (c) Failure to file the monthly reports or failure to satisfy the food sales

requirements by the end of the six-month period shall result in cancellation of the certificate of occupancy without the necessity of further notice.

C. ACCESSORY BUILDINGS:

1. An accessory building not exceeding one story in height may occupy not more than sixty (60) percent of a minimum required rear yard.
2. An accessory building exceeding one story or more in height may occupy not more than forty (40) percent of a minimum required rear yard.
3. An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure. No accessory building shall be located nearer than three (3) feet to any side or rear lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage, detached from the main building, may be located no nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure.
4. No swimming pool shall be located nearer than six (6) feet to any rear lot line and shall be subject to the same side yard requirements as the principal structure. Below ground swimming pools may be located no nearer than six (6) feet to the side lot line adjacent to the street. On corner lots that require a side yard to be the same as required for the front yard, pools shall be located no nearer than fifteen (15) feet to the side lot line adjacent to the street. Swimming pools may be located nearer than ten (10) feet from any dwelling or building existing as long as the excavation of the swimming pool does not in any way harm or endanger the existing building or dwelling.

D. CORNER LOTS: On corner lots, the side yard on the street side shall be the same as required for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be fifteen (15) feet. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of twenty-eight (28) feet, nor to prohibit the erection of an accessory building on such lot where the regulation cannot be reasonably complied with.

E. HEIGHT LIMITS: Height limitations stipulated elsewhere in this Ordinance shall be modified as follows:

1. Chimneys, water towers, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the City.
2. On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

F. REQUIRED YARDS:

1. Where the frontage or side yards facing one side of a street between two (2) intersecting streets is zoned for two (2) classes of districts, the setback on the most restricted district shall apply to the entire block.
2. If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1 1/2) times the depth of front yard otherwise required.
3. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.
4. The Planning and Zoning Commission may recommend and the City Council may require a minimum front yard, rear yard or side yard greater than that required as a minimum set back by the Specific Use categories in the Ordinance rezoning any property when the safety of the traveling public and the general health, welfare and morals of the community require greater set-back depth.
5. The face (door) of a private garage, either attached or detached shall not be located closer than twenty (20) feet to any side or rear lot line in any residential district.
6. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the Department of Building Inspection for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or man-made obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued

until the impediment has been removed. When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirements in all single-family zoning districts shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line. In no event shall the exterior side yard setback requirements be violated and no more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section. Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot until it has been replatted to combine it with another lot or lots as permitted by Article 974a, Vernon's Annotated Texas Civil Statutes.

7. The side and rear yard requirements for buildings or structures in any district adjacent to Dallas/Fort Worth Airport property shall be waived.

G. PROJECTIONS INTO REQUIRED YARDS: Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

1. Cornices, eaves and sills not more than two (2) feet into any required yard.
2. Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.
3. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms, or habitable rooms in the "R-7.5", "R-12.5", "R-20", and the "R-TH" Districts may be located no closer than six (6) feet to any side yard property line nor closer than six (6) feet to the rear property line. Unenclosed covered patios used only for outdoor, recreational purposes and not as carports, garages, storage rooms or habitable rooms in the "R-5.0" District may be located no closer than six (6) feet to the rear property line and shall have the side yard setbacks as required in Section 16.G.3. Unenclosed covered patios constructed within the required twenty-five (25) foot rear yard setback of each district shall not be used as second story patios. The height of an unenclosed patio cover shall not exceed fifteen (15) feet. The height of an unenclosed patio cover shall be measured from the finished first floor of the residence to the highest point of the roof's surface, if a flat surface, to the deck line of a mansard roof, and the main height level between eaves and ridge for hip and gable roofs. In the case of a corner lot, patios shall be subject to the regular street side yard requirements of the district. Openings may be enclosed with insect mesh screening or plastic that is readily removable translucent or transparent plastic not more than 0.125 inch in thickness.
4. RESERVED
5. An open fire escape not more than three and one-half (3 1/2) feet into rear yards,

provided that such structure does not obstruct ventilation or light.

6. Any fence, wall, hedge, shrubbery, etc., no higher than a base line extending from a point two and one-half (2 1/2) feet above front walk grade to a point four and one-half (4 1/2) feet above walk grade at the depth of the front yard, and single trees having single trunks which are pruned to a height of seven (7) feet above walk grade. Corner lots where the side yard on the street side is required to be the same as the front yard, shall also observe front yard regulations with regard to fences, walls, hedges, shrubbery, etc., on the side street except that the City Council may by Special Ordinance, permit the construction of a fence not to exceed eight (8) feet in height, which does not project more than five (5) feet into the required side yard setback area.
7. No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto. The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this paragraph. And said object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between three (3) feet above the top of the adjacent roadway curb and six (6) feet above the top of the adjacent street curb, or if there is no curb then from the average street curb grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way line twenty (20) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted, or maintained is an obstruction constituting a traffic hazard. Any object or combination of objects, placed, planted or maintained in violation of this paragraph, shall be removed upon written notice by certified mail from the Building Official of the City, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the Zoning Ordinance.
8. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in a residentially zoned district, P-O, C-N, C-C, C-OU, M-FW or in any industrial district under this Ordinance shall be permitted in the required side yard or rear yard abutting a residentially zoned district.

H. RIGHT-OF-WAY AND EASEMENT DEDICATION REQUIREMENTS:

1. Under the Constitution and laws of the State of Texas and the provisions of this Ordinance, the zoning power of the City is hereby exercised for the purpose of promoting the health, safety, morals, and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements, and the City Council finds that the transportation, water sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire and panic, to prevent unsanitary conditions, to provide adequate light and air, prevent the overcrowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the City shall regulate the use of all of the property rezoned herein in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, drainage, sewerage, and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access have a minimum right-of-way width along the entire frontage of the property as follows, and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy as follows (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way):

Residential

Minimum right-of-way centerline
to front property line

Minor street	25 feet
Secondary street	30 feet
Major street	50 feet

Multi-family

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Commercial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Retail

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Industrial

Minor street	30 feet
Secondary street	40 feet
Major street	50 feet

Before the issuance of a building permit and certificates of occupancy the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the Director of Public Works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

2. Nothing in the above provision shall be interpreted as requiring the dedication of property.
3. In order to secure the safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent unsanitary conditions, prior to the issuance of a building permit, the Director of Public Works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city date with reference to bench marks where available, which contours shall fall within the one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the Director of Public Works to determine the safety and effect of the proposed development and construction on the citizens of the City of Grapevine. No building permit shall be issued until City Council has either approved said plat or the Public Works Director has determined a plat is not required.